

Application No.: 09/843,145**Docket No.: 300014343US (1509-179)****REMARKS**

The courtesy of Examiner Hoosain in granting the undersigned attorney for Applicants' attorney on October 17, 2005 is noted with appreciation.

At the interview, the Examiner indicated claim 1 would be allowable with the amendment included therein. The Examiner agreed that the message data of the reply sent by server 26 to advertiser 14 is not changed at server 26. Instead, at server 26, an acknowledgement is transmitted to advertiser device 14, as indicated at column 7, lines 5-7, and information is downloaded to advertiser device 14, as indicated at column 10, lines 27-31. Based on the foregoing, claim 1 and the claims dependent thereon are allowable.

Claim 20 is not anticipated by Rautila et al. because of the requirement for no telecommunications address of an advertiser or replier to an advertisement be passed, at least initially, with an advertisement message or a reply to an advertisement that is transmitted by the server. The Examiner previously was relying on column 9, lines 15-20, and column 10, lines 1-8 to disclose the foregoing feature. However, consideration of the relied upon portions of Rautila et al. for this feature fails to indicate that the foregoing feature is found. In fact, column 9, lines 19-28 indicates identification information is transmitted via links 24 and 42 to the database 26 within an IP network. Based on the discussion at the interview, it appears that the Examiner is speculating that no telecommunications address of an advertiser replier is passed with a transmitter by the server including database 26. Of course, as set forth in the amendment filed March 3, 2005, speculation is not sufficient to provide a basis for inherency. The case law cited in the March 3rd amendment indicates that inherency is proper only if the claimed feature necessarily occurred.

Newly added claim 32 more specifically recites an arrangement of the server for ensuring no telecommunication address of an advertiser or replier is passed with the messages transmitted by the server.

Newly added claim 33 differs from Rautilla by requiring the advertiser to supply additional advertising information to the consumer. In Rautila, server 26 supplies additional advertising information to the consumer

The Office Action includes no analysis of claim 22. Claim 22 is not anticipated by Rautila

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Claim 20 is not anticipated by Rautila et al. because of the requirement for no telecommunications address of an advertiser or replier to an advertisement be passed, at least initially, with an advertisement message or a reply to an advertisement that is transmitted by the server. The Examiner previously was relying on column 9, lines 15-20, and column 10, lines 1-8 to disclose the foregoing feature. However, consideration of the relied upon portions of Rautila et al. for this feature fails to indicate that the foregoing feature is found. In fact, column 9, lines 19-28 indicates identification information is transmitted via links 24 and 42 to the database 26 within an IP network. Based on the discussion at the interview, it appears that the Examiner is speculating that no telecommunications address of an advertiser replier is passed with a transmitter by the server including database 26. Of course, as set forth in the amendment filed March 3, 2005, speculation is not sufficient to provide a basis for inherency. The case law cited in the March 3rd amendment indicates that inherency is proper only if the claimed feature necessarily occurred.

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Newly added claim 33 differs from Rautilla by requiring the advertiser to supply additional advertising information to the consumer. In Rautila, server 26 supplies additional advertising information to the consumer

The Office Action includes no analysis of claim 22. Claim 22 is not anticipated by Rautila et al. because claim 22 requires an advertisement broker device that can be contacted with both the advertiser and consumer devices, wherein the broker device is adapted to pass advertiser details to the consumer device, consumer details to the advertiser device, or both in response to triggering.

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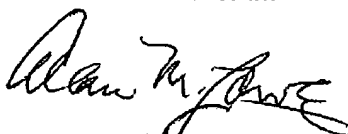
Page 7 of the Office Action includes a "Response to Arguments" having comments about claim 6 which is cancelled in the March 3, 2005 amendment.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance is respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025, and please credit any excess fees to such deposit account.

Respectfully submitted,

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